

1
2
3
4
5
6
7 HARDEEP LUTHRA, et al.,
8 Plaintiffs,
9 v.
10 UNITED STATES OF AMERICA,
11 Defendant.

Case No. 21-cv-00402-KAW

SECOND ORDER TO SHOW CAUSE
Re: Dkt. No. 5

12
13 On January 21, 2021, Defendant filed a motion to dismiss. (Dkt. No. 5.) Pursuant to Civil
14 Local Rule 7-3(a), Plaintiffs' opposition was due 14 days after the motion was filed, which was
15 February 4, 2021.

16 Plaintiffs did not file an opposition. On February 5, 2021, the Court issued an order to
17 show cause, requiring Plaintiffs to: (1) file a consent or declination notice, (2) file an opposition or
18 statement of non-opposition to the pending motion, and (3) file a response to this order to show
19 cause explaining why the opposition was not timely filed. (Dkt. No. 9 at 1.) Plaintiffs' response
20 was due by February 16, 2021.

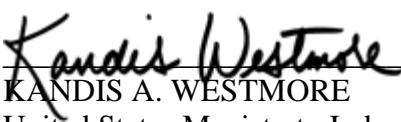
21 As of the date of this order, Plaintiffs have not responded to the order to show cause.
22 Accordingly, the Court ORDERS Plaintiffs to show cause, within **one week** of the date of this
23 order, why this case should not be dismissed for failure to prosecute by: (1) filing a consent or
24 declination notice, (2) filing an opposition or statement of non-opposition to the pending motion,
25 and (3) explaining why Plaintiffs failed to timely file their opposition and response to the Court's
26 February 5, 2021 order to show cause. Should an opposition be filed, Defendant may file a reply
27 within **one week** of the date of Plaintiffs' opposition. Failure to respond **will** result in the Court
28 reassigning this case to a district judge with the recommendation that the case be dismissed for

1 failure to prosecute.

2 Additionally, having reviewed Defendant's motion to dismiss, the Court ORDERS
3 Defendant to show cause why its motion to dismiss should be granted in light of *D.L. v. Vassilev*,
4 858 F.3d 1242 (9th Cir. 2017) and *Staple v. United States*, 740 F.2d 768 (9th Cir. 1984).
5 Defendant's response is due within **one week** of the date of this order.

6 IT IS SO ORDERED.

7 Dated: February 19, 2021


8 KANDIS A. WESTMORE
9 United States Magistrate Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California